

THE SUPREME COURT OF THE UNITED STATES

IN THE MATTER OF THE ESTATE OF

JAMES H. HARRIS,

Deceased.

WILLIAM H. HARRIS, Executor.

IN THE  
Supreme Court of the United States.

OCTOBER TERM, 1898.

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*No. 4, Original.*

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EX PARTE: IN THE MATTER OF THE PETITION  
OF GEORGE R. NICHOLS FOR A WRIT OF  
HABEAS CORPUS.

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And now comes George R. Nichols, by Henry S. Robbins, his counsel, and presents the petition of the said Mr. Nichols for a writ of *habeas corpus* to issue to John Ames, United States marshal for the northern district of Illinois, and upon said petition moves the court for leave to file the same and for the entry of a rule thereon requiring said Ames to show cause within five days from the date hereof why a writ of *habeas corpus* should not issue as prayed in said petition, and that pending a hearing herein said Nichols be released upon his filing in this court a bond or recognizance in the penal sum of one thousand dollars, to be approved by the clerk of this court, and conditioned that said Nichols will surrender himself whenever so ordered by this court, and will otherwise abide by the order of this court in the premises.

GEORGE R. NICHOLS,  
By HENRY S. ROBBINS,  
*His Counsel.*

JOHN G. CARLISLE,  
*Of Counsel.*

IN THE SUPREME COURT OF THE UNITED STATES OF  
AMERICA.

*To the Honorable Judges of the Supreme Court of the United  
States of America :*

Your petitioner, George R. Nichols, of the city of Chicago and State of Illinois, complaining, shows that he is unjustly and unlawfully detained and imprisoned by John Ames, United States marshal for the northern district of Illinois, by virtue of a certain order or warrant of commitment, a copy of which is hereto annexed as "Exhibit A;" which order was issued under the following circumstances:

Your petitioner is a citizen of the United States and has been a citizen of the State of Illinois for more than twenty years; that your petitioner had for some years prior to the fourth day of October, 1898, been and then was a member of the Chicago Board of Trade, a commercial exchange and voluntary organization duly incorporated by a special act of the legislature of the State of Illinois approved February 18, 1859.

That said association owns and occupies in the city of Chicago an exchange building where its members meet daily (except Sundays and holidays) between certain business hours for the purpose of buying and selling flour, wheat, corn, oats, rye, barley, hay, straw, flaxseed, grass seed, field seed, pork in all its forms, meats, lard, and other food products and for the transaction of such other business as is incident thereto; that among its members there are some whose business it is to purchase in the country or to receive on consignment from persons in the country

some or all of the foregoing articles and sell the same upon said board of trade, and there are other members of said association whose business it is to buy upon said exchange some or all of said articles of merchandise, either for themselves or on commission, and to deliver or ship the same to consumers or distributors throughout this country and Europe, and that the sales and contracts for sales of said merchandise so made upon said board of trade are identical in their character with all other sales and contracts for sales of the same kind of merchandise made in the city of Chicago and elsewhere throughout the United States at other places than on such exchanges, boards of trade, or other similar places.

That on the 4th day of October, 1898, in the course of his business upon said board of trade, your petitioner sold for immediate delivery at the city of Chicago to one Robert W. Roloson, also a member of said board of trade and a citizen of the State of Illinois, ten (10) tierces of hams, weighing three thousand (3,000) pounds, at a price of six and one-half ( $6\frac{1}{2}$ ) cents per pound, and for a total sum of one hundred and ninety-five (\$195) dollars, without affixing to the written memorandum thereof delivered by your petitioner to said buyer any revenue stamp; and thereafter, on, to wit, the 10th day of October, 1898, John C. Black, Esquire, as the United States attorney for the northern district of Illinois, presented to and, with leave of said court, filed in the circuit court of the United States for the northern district of Illinois, northern division, a certain information and affidavit reciting said sale by your petitioner of said ten (10) tierces of hams; and also reciting that your petitioner on said sale unlawfully did make and deliver to said Roloson a bill and memo-

randum of said sale, showing the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it referred, without affixing the proper stamp to said bill and memorandum for denoting the internal-revenue tax upon such bill and memorandum, as required by the act of Congress approved June 13, 1898, and entitled "An act to provide ways and means to meet war expenditures and for other purposes;" and thereupon said court upon said petition ordered a bench warrant to issue against your petitioner; whereon your petitioner was brought into said court, and, said information being read to him, interposed a motion to quash the same upon the ground that that part of said act of Congress approved June 13, 1898, upon which said information is based is unconstitutional and void; but said circuit court entered an order denying said motion and requiring your petitioner to plead to said information, to which your petitioner then and there duly excepted; whereupon your petitioner interposed a demurrer to said information on the ground that that part of said act of Congress approved June 13, 1898, upon which said information is based is unconstitutional and void, and that for that reason said information did not charge an offense or crime against the laws of the United States; but said court overruled said demurrer; to which your petitioner then and there duly excepted; and thereupon your petitioner was arraigned upon said information, and thereupon entered his plea of not guilty; and said cause having proceeded to trial, the jury rendered a verdict finding this petitioner guilty as charged in said information; whereupon your petitioner successively entered his motions for a new trial and in arrest

of judgment, which were successively overruled; to both of which rulings your petitioner then and there duly excepted and thereupon and on the 11th day of October, A. D. 1898, said court entered its sentence and judgment of conviction, wherein it imposed upon your petitioner a fine of five hundred dollars and committed your petitioner to the county jail of Cook county, State of Illinois, until said fine and costs should be paid; a copy of which said affidavit, information, motion to quash, demurrer, motions for a new trial and in arrest of judgment, orders, sentence, and judgment of conviction, being the entire record of said case in said court, are hereto annexed and made a part hereof as "Exhibit B."

And thereupon, your petitioner having refused to pay said fine, and said order of commitment having come to the hands of said marshal, said marshal, on the 11th day of October, 1898, took your petitioner into his custody under said warrant and now has your petitioner in his custody, and is now in the act of transporting him to said jail specified in said commitment.

And your petitioner claims that he is restrained and deprived of his liberty, as above stated, unlawfully, and that that part of said act of Congress approved June 13, 1898, upon which said information is based is unconstitutional and void for the following reason (and others):

Because said act of Congress, so far as it imposes the tax upon which said information is based, is contrary to the Constitution of the United States, in that said tax is not uniform throughout the United States, because not imposed upon all bills, memoranda, agreements, or other evidences of sales or agreements to sell merchandise, but on such only as relate to such sales, or agreements to sell, when made at an ex-

change, board of trade, or other similar place, and hence that said information does not charge an offense or crime under or by virtue of the laws of the United States, and that said circuit court for the northern district of Illinois, northern division, in so trying and committing to jail your petitioner, as aforesaid, acted wholly without jurisdiction or legal authority so to do, and said order under which your petitioner is held in custody is wholly void.

Your petitioner further says that one James Nicol, of the city of Chicago, and a member of said Chicago board of trade, having been convicted by the district court of the United States for the northern district of Illinois, northern division, for the failure to comply with that part of said act of Congress approved June 13, 1898, which applies to the exchanges, boards of trade, and other similar places, thereafter, on the 13th day of September, 1898, the said James Nicol sought, through *habeas corpus* proceedings in the circuit court of the United States for the northern district of Illinois, northern division, to secure his discharge, and in said proceedings made the same contention against the constitutionality of said act of Congress approved June 13, 1898, as is herein made by your petitioner, but said circuit court, after hearing the arguments of counsel, decided against the contention of said James Nicol and in favor of the constitutionality of said act of Congress, and refused to discharge the said James Nicol, by reason whereof the said James Nicol was obliged to and has perfected his appeal from said order and judgment of said circuit court to this court. By reason whereof it would avail your petitioner nothing to attempt to secure his discharge from imprisonment through *habeas corpus* proceedings in said circuit court of the United States for the northern district of

Illinois, and your petitioner is remediless in the premises except through this application to this court.

Wherefore, to be relieved of said unlawful detention and imprisonment, your petitioner prays that a writ of *habeas corpus*, to be directed to the said John Ames, United States marshal for the northern district of Illinois, may issue at once in this behalf, so that your petitioner may be forthwith brought before this court to do, submit to, and receive what the law may require, and that a writ of certiorari, if necessary, may also be issued to the clerk of the circuit court for the northern district of Illinois, northern division, commanding him to transmit at once to this court a full, complete, and true transcript of said cause and pleadings, wherein your petitioner has been convicted, as aforesaid.

GEORGE R. NICHOLS.

JOHN G. CARLISLE,

HENRY S. ROBBINS,

*Counsel for Petitioner.*

UNITED STATES OF AMERICA, { ss :  
*Northern District of Illinois,*

George R. Nichols, being duly sworn, deposes and says that he is the petitioner named in the foregoing petition subscribed by him; that he has read the same and knows the contents thereof, and that the statements therein made are true.

GEORGE R. NICHOLS.

Subscribed and sworn to before me this eleventh day of October, A. D. 1898.

[SEAL.]

C. R. PICKARD,

*U. S. Commissioner, Northern District of Illinois.*



## EXHIBIT A.

UNITED STATES OF AMERICA, }  
*Northern District of Illinois, Northern Division.* }

The President of the United States of America to the marshal of the northern district of Illinois, Greeting :

Whereas George R. Nichols appeared before the circuit court of the United States for the northern district of Illinois on the 11th day of October, 1898, to answer an information filed herein against him for having sold to one Robert W. Roloson ten tierces, or three thousand pounds, of hams without affixing the proper stamps to the bill or memorandum of sale, as required by the act of Congress approved June 13, 1898, and entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and the said George R. Nichols, upon hearing in due form of law, having been found guilty as charged in the said information, and having this day been sentenced to pay a fine of five hundred dollars, besides the costs in this behalf expended, and in default thereof to stand committed to the county jail of Cook county, Illinois, until said fine and costs are paid for or he is otherwise discharged by law :

Now, therefore, you are hereby commanded to commit the said George R. Nichols to the county jail of Cook county, Illinois, to be there safely kept until said fine and costs are paid, or until he is otherwise discharged by due process of law.

Witness the Hon. Melville W. Fuller, Chief Justice of the United States of America, at Chicago aforesaid, this eleventh

day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and of our Independence the 123d year.

S. W. BURNHAM,  
*Clerk United States Circuit Court, Northern  
 District of Illinois.*

NORTHERN DISTRICT OF ILLINOIS, { ss :  
*Northern Division,*

I, S. W. Burnham, clerk of the circuit court of the United States for said northern district of Illinois, do hereby certify the above and foregoing to be a true and correct copy of the commitment issued out of said court on the 11th day of October, A. D. 1898, in the cause wherein The United States is the plaintiff and George R. Nichols is the defendant, as the same appears from the original now remaining in my custody and control.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office, in Chicago, in said district, this 11th day of October, A. D. 1898.

[Seal of Circuit Court U. S., Northern Dist. Illinois, 1855.]

S. W. BURNHAM, *Clerk.*

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#### EXHIBIT B.

Pleas in the circuit court of the United States for the northern district of Illinois, begun and holden before the Honorable John W. Showalter, judge of the United States circuit court of the seventh judicial circuit, at the United States court-room, in Chicago, in said district, on Monday,

the third day of October, being the first day of the October adjourned term, in the year of our Lord one thousand eight hundred and ninety-eight, and of our Independence the 123d.

S. W. BURNHAM, *Clerk*.

Be it remembered that on the 10th day of October, 1898, there was filed in the office of the clerk of said court the information of the United States in words and figures following, to wit :

*Information.*

NORTHERN DISTRICT OF ILLINOIS, }  
Northern Division, } *set :*

IN THE CIRCUIT COURT OF THE UNITED STATES OF AMERICA  
FOR THE NORTHERN DISTRICT OF ILLINOIS, NORTHERN  
DIVISION, OF THE OCTOBER ADJOURNED TERM, IN THE  
YEAR EIGHTEEN HUNDRED AND NINETY-EIGHT.

THE UNITED STATES }  
vs. }  
GEORGE R. NICHOLS. }

Be it remembered that John C. Black, attorney of the United States of America for the northern district of Illinois, who for the said United States in this behalf prosecutes, in his own person comes here into the circuit court of the said United States for the division and district aforesaid, on this tenth day of October, in this same term, and for the said United States gives the court here to understand and be informed that George R. Nichols, of the city of Chicago, in the said division and district, and a member of a certain board of trade there, to wit, the Chicago board of trade, on

the fourth day of October, in the year of our Lord eighteen hundred and ninety-eight, at Chicago aforesaid, in the division and district aforesaid, upon a certain board of trade, to wit, the Chicago board of trade aforesaid, with intent then and there on the part of him, the said George R. Nichols, to evade the provisions in that behalf in the act of Congress approved June 13, 1898, and entitled "An act to provide ways and means to meet war expenditures, and for other purposes," did make to one Robert W. Roloson, of said city of Chicago, also a member of the said board of trade, a certain sale of merchandise, for immediate and present delivery at the said city of Chicago—that is to say, ten tierces, or three thousand pounds, of hams—then in the said city of Chicago, at a price of six and one-half cents per pound, and for a total sum of one hundred and ninety-five dollars, and on said sale unlawfully did make and deliver to the said Robert W. Roloson, buyer, as aforesaid, a bill and memorandum of the same sale, showing the date thereof, the name of the seller, the amount of the sale, and the matters and things to which it referred, without having the proper stamps affixed to the said bill and memorandum for denoting the internal-revenue tax upon the said sale, bill, and memorandum, as required by law, but, on the contrary, unlawfully did refuse, fail, and neglect to affix any such stamps to the said bill and memorandum, against the peace and dignity of the said United States and contrary to the form of the statute of the same in such case made and provided.

UNITED STATES OF AMERICA,  
By JOHN C. BLACK,  
*United States Attorney.*

(Endorsed :) Filed Oct. 10, 1898. S. W. Burnham, clerk.

Bail, \$1,000.

JOHN C. BLACK,  
U. S. Att'y, N. Dist. Ills.

On the same day, to wit, the tenth day of October, 1898, there was filed in the clerk's office of said court the affidavit of Robert W. Roloson; which said affidavit is in the words and figures following, to wit:

UNITED STATES OF AMERICA, }  
*Northern District of Illinois, Northern Division,* } ss :

Robert W. Roloson, being duly sworn, says that he is a citizen of the State of Illinois and resides in the city of Chicago, and that on the 4th day of October, 1898, upon the Chicago board of trade, in the city of Chicago, George R. Nichols, of the city of Chicago and a member of said board of trade, made to this deponent a certain sale of merchandise for immediate and present delivery at the city of Chicago, to wit, ten (10) tierces of hams, weighing three thousand (3,000) pounds, then in the city of Chicago, at a price of six and one-half ( $6\frac{1}{2}$ ) cents per pound, and for a total sum of one hundred and ninety-five (\$195) dollars, and at the time of said sale said Nichols delivered to this affiant a written memorandum showing the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it referred, but said Nichols did not affix to this memorandum any revenue stamp, as required by the act of Congress approved June 13, 1898, known as the war-revenue law.

And further deponent saith not.

ROBERT W. ROLOSON.

Subscribed and sworn to before me this 6th day of October, A. D. 1898.

[SEAL.]

WIRT E. HUMPHREY,  
*United States Commissioner for  
 Northern District of Illinois.*

(Endorsed :) Filed Oct. 10, 1898. S. W. Burnham, clerk.

On the same day, to wit, the tenth day of October, in the October adjourned term of said court, 1898, in the record of proceedings thereof in said-entitled cause, before the Hon. John W. Showalter, circuit judge, appears the following entry, to wit :

THE UNITED STATES OF AMERICA	}	Information.
vs.		
GEORGE R. NICHOLS.		

On this day comes the district attorney and files a criminal information in the cause above entitled, and reasonable and probable grounds appearing, supported by oath in writing, in the said cause, it is ordered by the court that a bench warrant issue for the apprehending of the said defendant, and further that bail be fixed at the sum endorsed upon the said information.

On the same day, to wit, the tenth day of October, 1898, a bench warrant issued out of the clerk's office of said court, directed to the marshal of said district to execute; which said bench warrant, together with the marshal's return thereon endorsed, is in the words and figures following, to wit :

*Bench Warrant.*

THE UNITED STATES OF AMERICA, ss :

DISTRICT COURT OF THE UNITED STATES OF AMERICA,  
NORTHERN DISTRICT OF ILLINOIS.

To the marshal of the northern district of Illinois, Greeting :

We command you to take George R. Nichols, if he shall be found in your district, and him safely keep, so that you have his body before our judges of our circuit court of the United States for the northern district of Illinois, at Chicago, in the district aforesaid, forthwith, to answer unto the United States of America in an information pending in said court against — —.

And have you then and there this writ, with your return thereon.

Witness the Hon. Melville W. Fuller, Chief Justice of the Supreme Court of the United States of America, at [SEAL.] Chicago aforesaid, this tenth day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and of our Independence the 123d year.

S. W. BURNHAM, *Clerk.*

(Endorsed :) The marshal will take bail in \$1,000. I have executed this writ by arresting the within-named Geo. R. Nichols and have his body now in court this 10th day of October, A. D. 1898. John C. Ames, U. S. marshal, by M. E. Patterson, deputy.

Serving warrant.....	2.00
Mileage ... ..	.06
	<hr/>
	\$2.06

451. District court of the United States, northern district of Illinois. United States of America *vs.* Geo. R. Nichols. Bench warrant, returnable forthwith. S. W. Burnham, clerk. Filed Oct. 10, 1898. S. W. Burnham, clerk. Jno. C. Black, U. S. attorney.

On the same day, to wit, the tenth day of October, 1898, came George R. Nichols, by his attorney, and filed in the clerk's office of said court his motion to quash the information filed against him ; which said motion is in words and figures following, to wit :

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF ILLINOIS, NORTHERN DIVISION,  
OF THE OCTOBER TERM, IN THE YEAR EIGHTEEN HUN-  
DRED AND NINETY-EIGHT.

UNITED STATES	}
<i>vs.</i>	
GEORGE R. NICHOLS.	}

And now comes the defendant, George R. Nichols, by Henry S. Robbins, his attorney (the said Nichols also being present in open court), and moved the court to quash the information filed herein upon the ground that said information does not charge or set forth a crime against or under the laws of the United States, for the reason that that part of the act of Congress entitled "An act to provide ways and means to meet war expenditures, and for other purposes," upon which said information is based, is unconstitutional and void upon the following (and other) ground :

Because said act of Congress, so far as it imposes the tax upon which said information is based, is contrary to the



Constitution of the United States, in that it is not uniform throughout the United States, because not imposed upon all bills, memoranda, agreements, or other evidences of sales or agreements to sell merchandise, but on such only as relate to such sales or agreements to sell when made at an exchange, board of trade, or other similar place, said Chicago board of trade mentioned in said information being a commercial exchange duly incorporated by a special act of the legislature of the State of Illinois approved February 18, 1859, and owning and occupying in the city of Chicago an exchange building where its members meet between certain hours every business day for the purpose of buying and selling flour, wheat, corn, rye, oats, barley, hay, straw, flax seed, grass seed, field seeds, pork in all its forms, meats, lard, and other food products, and the sales and contracts for sales of such merchandise so made upon said board of trade being identical in their character with all other sales and contracts for sales of the same kind of merchandise made throughout the United States at other places than such exchanges, boards of trade, and other similar places.

Wherefore the defendant prays that said information may be quashed.

GEORGE R. NICHOLS,  
By HENRY S. ROBBINS,  
*His Attorney.*

(Endorsed :) Filed Oct. 10, 1898. S. W. Burnham, clerk.

On the same day, to wit, the tenth day of October, 1898, came George R. Nichols, by his attorney, and filed in the clerk's office in said entitled cause his demurrer; which said demurrer is in the words and figures following, to wit:

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF ILLINOIS, NORTHERN DIVISION.

UNITED STATES OF AMERICA }  
                                  *vs.* } 88 :  
GEORGE R. NICHOLS.

And the defendant, by Henry S. Robbins, his attorney, comes and defends, etc., when, etc., and says that the information herein and the matters therein contained in the manner and form as the same are above set forth are not sufficient in law for the plaintiff to maintain his aforesaid action, and for this reason he, the defendant, is not bound by law to answer the same, and this he is ready to verify. Wherefore, for want of a sufficient declaration in this behalf, the defendant prays judgment, and that he may be discharged, etc.

And the defendant shows to the court here the following cause of demurrer to the said information—that is to say, that that part of the act of Congress approved June 13, 1898, upon which said information is based is unconstitutional and void.

GEORGE R. NICHOLS,  
By HENRY S. ROBBINS,  
*His Attorney.*

(Endorsed :) Filed Oct. 10, 1898. S. W. Burnham, clerk.

On the same day, to wit, the tenth day of October, 1898, came George R. Nichols, by his attorney, and filed in the clerk's office of said court his motion in arrest of judgment; which said motion is in words and figures following, to wit:

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF ILLINOIS, NORTHERN DIVISION,  
OF THE OCTOBER TERM, IN THE YEAR EIGHTEEN HUN-  
DRED AND NINETY-EIGHT.

UNITED STATES }  
vs. }  
GEORGE R. NICHOLS. }

And now comes George R. Nichols, by Henry S. Robbins, his attorney, and moves the court in arrest of judgment on the finding herein, and in support of said motion alleges that said information does not charge or set forth a crime against or under the laws of the United States for the reason that that part of the act of Congress entitled "An act to provide ways and means to meet war expenditures, and for other purposes," upon which said information is based, is unconstitutional and void upon the following (and other) ground :

Because said act of Congress, so far as it imposes the tax upon which said information is based, is contrary to the Constitution of the United States in that said tax is not imposed upon all bills, memoranda, agreements, or other evidences of sales or agreements to sell merchandise, but on such only as relate to such sales or agreements to sell when made at an exchange, board of trade, or other similar place, said Chicago board of trade mentioned in said information being a commercial exchange duly incorporated by a special act of the legislature of the State of Illinois approved February 18, 1859, and owning and occupying in the city of Chicago an exchange building where its members meet between certain hours on every business day for the pur-

pose of buying and selling flour, wheat, corn, rye, oats, barley, hay, straw, flax seed, grass seed, field seeds, pork in all its forms, meats, lard, and other food products, and the sales and contracts for sales of such merchandise so made upon said board of trade being identical in their character with all other sales and contracts for sales of the same kind of merchandise made throughout the United States at other places than such exchanges, boards of trade, and other similar places.

Wherefore the defendant prays that judgment be not entered on the finding herein.

GEORGE R. NICHOLS,  
By HENRY S. ROBBINS,  
*His Attorney.*

(Endorsed :) Filed Oct. 10, 1898. S. W. Burnham, clerk.

On the same day, to wit, the tenth day of October, in the October adjourned term of said court, 1898, in the record of proceedings thereof in said entitled cause, before the Hon. John W. Showalter, circuit judge, appears the following entry, to wit:

UNITED STATES CIRCUIT COURT, NORTHERN DISTRICT OF  
ILLINOIS, NORTHERN DIVISION.

MONDAY, *October 10, 1898.*

Present: Hon. John W. Showalter, circuit judge.

THE UNITED STATES OF AMERICA	} 24961. Information.
<i>vs.</i>	
GEORGE R. NICHOLS.	

Now, on this day, comes the district attorney, and by leave of court files a criminal information against said de-

fendant, supported by the affidavit of Robert W. Roloson ; and thereupon the court orders that a bench warrant issue, returnable forthwith, for the arrest of said defendant, and that bail be fixed thereon at the sum of one thousand dollars ; and now comes the marshal and makes return to said warrant by bringing into open court the body of said defendant, George R. Nichols ; and now comes the defendant in his own proper person and by attorney, and the defendant, by leave of court, enters his motion to quash said information, and the same is heard and overruled ; to which ruling the defendant excepts, and the defendant, by leave of court, files his demurrer to said information, and the court, having heard the arguments of counsel upon said demurrer and being now fully advised in the premises, overrules said demurrer ; to which ruling the defendant excepts, and said defendant, being now arraigned at the bar of this court, for plea to said information says he is not guilty, and, this cause being now called for trial, now come the following jury, to wit, E. C. Sawyer, J. F. Conner, William Aubrey, S. T. Walker, M. S. Hancock, H. G. Griffith, C. E. Heeter, James Soenksen, Thomas Covington, H. McKenzie, Jacob Englehoff, and Frank Johnson, in all twelve good and lawful men, duly elected, tried, and sworn to well and truly try said issue and a true verdict give according to the law and evidence, and after hearing the evidence to conclusion, together with the arguments of counsel, said jury are charged by the court, and thereupon return into open court their verdict in the following words, to wit : " We, the jury, find the defendant guilty.—S. T. Walker, foreman ;" and thereupon the defendant, by his attorney, enters his motion for a new trial, which is heard and overruled, and the de-

defendant enters his further motion in arrest of judgment, and the same is postponed for future hearing.

And thereafter, to wit, on the eleventh day of October, A. D. 1898, among the proceedings of said court appears the following entry, to wit :

Before Honorable John W. Showalter, circuit judge.

THE UNITED STATES	}	Information.
<i>vs.</i>		
GEORGE R. NICHOLS.		

Comes the district attorney and the defendant in person and by his attorney, and the court, being fully advised upon the motion of the defendant in arrest of judgment, overrules the same; to which order the defendant, by his attorney, then and there duly excepted.

And afterwards, to wit, on the eleventh day of October, in the October adjourned term of said court, 1898, in the record of proceedings thereon in said entitled cause, before the Hon. John W. Showalter, circuit judge, appears the following entry, to wit :

*Order.*

CIRCUIT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF ILLINOIS, NORTHERN DIVISION.

TUESDAY, *October 11*, 1898.

Present: Hon. John W. Showalter, circuit judge.

THE UNITED STATES OF AMERICA	}
<i>vs.</i>	
GEORGE R. NICHOLS.	

Come the parties, by their attorneys, and the defendant, George R. Nichols, in his own proper person, to have the sentence and judgment of the court pronounced upon him, he having heretofore, to wit, on the 10th day of October, A. D. 1898, one of the days of this term of this court, been by a jury of this court adjudged guilty in due form of law, as charged in the information filed herein against him, and being asked by the court if he had anything to say why the sentence and judgment of this court should not now be pronounced upon him and showing no good and sufficient reasons why sentence and judgment should not be pronounced against him, it is therefore considered by the court, and as the sentence and judgment of the court upon the verdict of guilty so rendered herein as aforesaid, that the defendant, George R. Nichols, forfeit and pay to the United States a fine in the sum of five hundred dollars, besides the costs in this behalf expended.

It is further ordered by the court that the said defendant stand committed to the county jail of Cook county, Illinois, until said fine and costs are paid or until he is otherwise discharged by law.

## NORTHERN DISTRICT OF ILLINOIS, ss :

I, S. W. Burnham, clerk of the circuit court of the United States for the northern district of Illinois, do hereby certify the above and foregoing to be a true and complete transcript of all proceedings had in the cause entitled The United States, plaintiff, and George W. Nichols, defendant, as the same appears from the records and files of the said court now in my custody and control.

[SEAL.]

S. W. BURNHAM, *Clerk.*

[Endorsed:] United States Supreme Court. George R. Nichols, petitioner for a writ of *habeas corpus*. Petition. Henry S. Robbins, Home insurance building, Chicago.

[Endorsed:] Supreme Court U. S., October term, 1898. Term No., 4. Original. *Ex parte*, in the matter of George R. Nichols, petitioner. Petition for writ of *habeas corpus*. Filed October 13, 1898.